

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
vs.) CASE NO. 3:10-CR-56-PLR-HBG
)
BRANDI IRENE RUSSELL)

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's *pro se* motion for reduction in sentence pursuant to 18 U.S.C. § 3742(e), post-sentencing rehabilitation [Doc. 297]. In support of her motion, defendant states that she is currently incarcerated at the Bureau of Prisons facility in Tallahassee, Florida. During her incarceration, defendant has received 26 certificates, totaling 1,970 hours of educational programs. Defendant's expected release date is March 25, 2015.

Defendant pled guilty to conspiracy to distribute and possess with intent to distribute fifty grams or more of crack cocaine. She was sentenced to 78 months imprisonment, followed by five years of supervised release [R. 150].

The Supreme Court has held district courts have discretion to consider post-sentence rehabilitation in fashioning a new sentence where the original sentence was set aside on appeal. *United States v. Pepper*, 131 S.Ct. 1229, 1241 (2011). Rehabilitative efforts on their own, however, do not authorize this court to revisit the propriety of a defendant's sentence. While the court commends defendant for her efforts at

rehabilitation, unfortunately, the court is without authority to reduce her sentence. *See United States v. Clark*, 2013 WL 841464 (E.D.Tenn. 2013). Accordingly, defendant's *pro se* motion for a sentence reduction [R. 297] is DENIED.

IT IS SO ORDERED.

s/

A handwritten signature in blue ink, reading "Pamela F. Reeves". The signature is written in a cursive style with a large, looping "P" and "R".

United States District Judge